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Practitioner's Docket No. A04P1018

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Katie Hoberman**

FAX RECEIVED

Application No.: **10/792,082**Group No.: **3766**

APR 22 2008

Filed: **03/02/2004**For: **CARDIAC STIMULATION
DEVICE WITH ADJUSTABLE
BLAKING INTERVALS**Examiner: **Mark Bokelman**

OFFICE OF PETITIONS

Date of mailing "Notice of Allowance and
Base Issue Fee Due" **04/08/2008**Confirmation No.: **4890**Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: (HAND CARRIED) "Petitions to Withdraw from Issue may be hand carried to the Office of Petitions on the 7th floor of the Madison West building, 600 Dulany Street, Alexandria VA 22314. At the guard station in Madison West (near the elevators), the security guard should call the Office of Petitions at 571 272 3282 for delivery assistance. Hand carried papers will be accepted on business days between the hours of 8:30 a.m. until 3:45 p.m." See "New Patents Central FAX Number and Updated Lists of Exceptions to the Centralized Delivery and Facsimile Transmission Policy for Patent Related Correspondence", 1296 OG 76, July 12, 2005.

NOTE: (FAX) Petitions to Withdraw from Issue: 571-273-0025 facsimile number. See "New Patents Central FAX Number and Updated Lists of Exceptions to the Centralized Delivery and Facsimile Transmission Policy for Patent Related Correspondence", 1296 OG 76, July 12, 2005.

WARNING: Petitions to Withdraw from Issue sent to the Central FAX Number should be marked "Special Processing Submission." See "New Patents Central FAX Number and Updated Lists of Exceptions to the Centralized Delivery and Facsimile Transmission Policy for Patent Related Correspondence", 1296 OG 76, July 12, 2005.

PETITION FOR WITHDRAWAL FROM ISSUE—ISSUE FEE PAID
(37 C.F.R. § 1.313(c))

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☐ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

☐ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office, (571) 273-0025.

Date: 4/22/08

Signature

Estella Pineiro

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Petition for Withdrawal from Issue—Issue Fee Paid (37 C.F.R. § 1.313(b)) [9-33]—page _____ of _____)

04/23/2008 CKHLOK

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130.00 DA

NOTE: "Any petition filed under 37 C.F.R. 1.313(b) to withdraw an application from issue after payment of the issue fee should be clearly marked "Petition under 37 C.F.R. 1.313(b)" and be wither submitted by facsimile or hand-carried to the Office of Petitions (see M.P.E.P. § 1730 for the facsimile number and location)." M.P.E.P., § 1308, 8th Edition.

NOTE: In the Notice of May 9, 2000 "Patents to Issue within Twelve Weeks after Satisfaction of All Outstanding Requirements, Including Issue Fee Payment and Corrected Drawings" [OG, May 9, 2000, page 39] the PTO pointed out the following:

The USPTO implemented the new patent publication system. . . . Under this current patent publication system, the electronic capture of most of the information to be printed on the patent begins soon after the allowed application is received in the Office of Patent Publication, in advance of the satisfaction of outstanding requirements, i.e., issue fee and drawings. The application file is not available for any further processing during this initial electronic capture process. In order to implement the new publication system efficiently, the USPTO encourages applicants to take steps to minimize disruptions in the printing process. The USPTO encourages applicants to file items such as amendments, information disclosure statements, petitions, and corrected or formal drawings as soon as possible during examination of patent applications instead of during the post-allowance time frame. If papers are filed after allowance, please allow at least six weeks after the Notice of Allowance and Issue Fee Due has been received before inquiring about any post allowance correspondence.

PETITION

1. Applicant hereby petitions for the withdrawal of this application from issue.

PATENT ISSUE FEE

2. The issue fee for this case has been paid on 04/02/2008

(complete the following if known)

This application is scheduled to

- ☐ issue on _____
- ☐ as patent _____

REASON(S) FOR WITHDRAWAL REQUEST

NOTE: "Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except (1) Unpatentability of one or more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable; (2) Consideration of a request for continued examination in compliance with § 1.114; or (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application." 37 C.F.R. § 1.313(c).

3. The reason for the request for withdrawal from issue is:

(check applicable item(s) below)

- (a) ☐ one or more of the claims are unpatentable.
- (b) ☐ consideration of a request for continued examination under § 1.114.
- (c) ☒ for express abandonment to permit consideration of an information disclosure statement under § 1.97 in a ~~continuing application~~ **Request for Continued Examination (RCE) Application.**
- (d) ☐ for express abandonment in favor of a continuing application.

Further details as to the reason(s) for this withdrawal request are set forth on the attached 1 sheet(s).

(Petition for Withdrawal from Issue—Issue Fee Paid (37 C.F.R. § 1.313(b)) [9-33]—page _____ of _____)

AMENDMENT

NOTE: Any amendment accompanying a petition to withdraw an application from issue should comply with the requirements of § 312 (Amendment after allowance).

4. ☐ Accompanying this petition is an amendment.

PETITION FEES**5. PETITION FEES (37 C.F.R. § 1.17(h) (\$130.00))**

The fee set forth in § 1.17(h), required by 37 C.F.R. § 1.313(a), is paid as follows:

☐ Attached is a ☐ check ☐ money order in the amount of \$130.00

☒ Authorization is hereby made to charge the amount of \$130.00

☒ to Deposit Account No. 16-0068

☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

☒ A duplicate of this paper is attached.

Reg. No.: 47,822

Tel. No.: (818) 493-2323

Customer No.:


SIGNATURE OF PRACTITIONER

Peter A. Nichols

(type or print name of practitioner)

PACESETTER, INC.

P.O. Address

15900 Valley View Court
Sylmar, CA 91392-9221

Plus 1 Added Pages

(Petition for Withdrawal from Issue—Issue Fee Paid (37 C.F.R. § 1.313(b)) [9-33]—page ____ of ____)

PATENT**REASON(S) FOR WITHDRAWAL REQUEST**

Applicants petition to withdraw issuance in order to resubmit and make of record a Supplemental IDS filed on 02/04/2008 for which we received a Notice of Non-Compliant Information Disclosure Statement (IDS lacked a statement as specified in 37 CFR 1.97(e)). Applicants became aware of this error only upon receipt of the aforementioned Notice.

APR 22 2008 PATENT

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Katie Hoberman et al.	Confirmation No.	4890
Serial No.:	10/792,082	Examiner:	Mark Bockelman
Filed:	03/02/2004	Art Unit:	3766
Docket No.:	A04P1018		
For:	CARDIAC STIMULATION DEVICE WITH ADJUSTABLE BLANKING INTERVALS		

TRANSMITTAL LETTER, FEE AND CERTIFICATE OF TRANSMISSION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

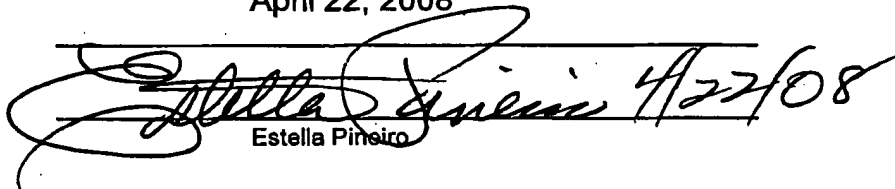
Dear Sir:

Submitted herewith for filing are the following documents:

- X Petition for Withdrawal from Issue – Issue Fee Paid (37 CFR 1.313(c))
- X Request for Continued Examination (RCE) Transmittal
- X Supplemental IDS (Form SB_08a)
- X Transmittal Letter, Fee and Cert. of Transmission

I hereby certify that this correspondence is being facsimile transmitted
to the United States Patent Office on:

April 22, 2008


Estella Pinciro

PATENT

CALCULATION OF FEES						
ITEM		NO. OF CLAIMS REMAINING AFTER AMENDMENT	NO. OF CLAIMS PREVIOUSLY PAID FOR	ADD'L CLAIMS FILED	LARGE ENTITY FEE	\$ FEE
A	TOTAL CLAIMS FEE			0	X \$ 50	\$ 0
B	INDEPENDENT CLAIMS FEE**			0	X \$210	0
C	MULTIPLE- DEPENDENT				X \$ 370	0
D	EXTENSION OF TIME FEE — 1-mon: \$120; 2-mon: \$460; 3-mon: \$1,050; 4-mon: \$1,640; 5-mon: \$2,230					0
E	ADDITIONAL FEES (i.e., Surcharge— Late Fee- Declaration; Petitions; Information Disclosure Statement; Terminal Disclaimer, etc.) Specify: Petition Fee; RCE Transmittal; Supplemental Information Disclosure Statement					130 810 180
F	TOTAL ADDITIONAL FEE** (ADD TOTALS FOR LINES A,B,C,D, and E)					\$1,120**

X

Charge Deposit Account No. **16-0068**
the amount of

\$1,120*
*

A copy of this letter is
enclosed.

X

The Commissioner is hereby authorized to charge payment of the following fees
associated with this communication or credit any overpayment to Deposit Account No.
16-0068

X Any additional filing fees required under 37 CFR 1.16.

X Any patent application processing fees under 37 CFR 1.17.

X

The Commissioner is hereby authorized to charge payment of the following fees
during the pendency of this application or credit any overpayment to Deposit Account
No.
16-0068

X Any patent application processing fees under 37 CFR 1.17.

X Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

Date:

4-22-08


Peter Nichols, Attorney for Applicants
Reg. No. 47,822

CUSTOMER NUMBER: 36802

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Katie Hoberman et al.	Confirmation No. 4890
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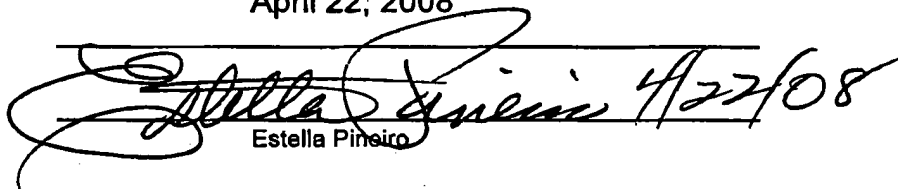
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F	TOTAL ADDITIONAL FEE** (ADD TOTALS FOR LINES A B C D and E)					\$1,120**